THE BOMBAY NATIONAL PARKS ACT, 1950.

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BOMBAY ACT No. LIV OF 1950[1].

[THE BOMBAY NATIONAL PARKS ACT, 1950.]

[*19th December 1950*]

An Act to make provision for National Parks in the State of Bombay.

WHEREAS it is expedient to make provision for the establishment, preservation and maintenance of National Parks in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Bombay National Parks Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

Commencement.

2. Sections 1 and 2 shall come into force at once. The rest of the Act or any provisions thereof shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Advisory Committee" means the Committee constituted by the State Government under section 13;

(*2*) "Director" means the Director of Parks and Gardens, Bombay State, or any other officer appointed by the State Government as the Director for the purposes of this Act;

(*3*) "National Park" means any area declared by the State Government as a National Park under section 4;

(*4*) "Park" includes a garden;

(*5*) "Park Officer" means any officer, warden or servant appointed under this Act for the control and management of a National Park;

(*6*) "prescribed" means prescribed by rules;

(*7*) "regulations" means regulations made under section 20;

(*8*) "rules" means rules made under section 19.

Power to declare any area to be National Park.

4. Where it appears to the State Government in respect of any area that by reason of its floral, scenic or other natural beauty or educational, scientific, archaeological or historical association or importance, it is desirable to take measures for the purpose of preserving and enhancing the natural beauty or importance of the area and for the purpose of promoting their enjoyment by the community as a whole, the State Government may, by notification in the *Official Gazette*, declare such area to be a National Park for the purposes of this Act in the manner hereinafter provided.

Notification regarding declaration of National Park.

5. Whenever it has been decided to declare any area to be a National Park, the State Government shall issue a notification in the *Official Gazette*—

(*1*) stating that it has been decided to declare such area to be a National Park;

(*2*) specifying as nearly as possible the situation and the limits of such area, and

(*3*) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, p. 272.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in National Park.

6. After the issue of a notification under section 5, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by the Collector.

7. When a notification has been issued under section 5, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and the limits of the proposed National Park;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 5 or section 6 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by Collector.

8. The Collector shall take down in writing all statements made under section 7 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 5 or 6 and not claimed under section 7 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 7, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall be extinguished.

Power to acquire land over which right is claimed.

10. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed National Park, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894. I of 1894.

Acquisition proceedings.

11. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894; I of 1894

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

12. The State Government may, by a general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 5 to 11 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Constitution of Advisory Committee.

13. (*1*) The State Government shall constitute an Advisory Committee consisting of the following members, namely :—

(*a*) four officials nominated by the State Government;

(*b*) three non-officials nominated by the State Government;

(*c*) one representative of the Bombay Natural History Society;

(*d*) one representative of the Agri-Horticultural Society of Western India, Poona;

(*e*) such additional members, if any, as may be nominated by the State Government, from time to time.

(*2*) The Director shall be a member and the Secretary of the Advisory Committee.

(*3*) The State Government shall appoint one of the members other than the Director to be the chairman of the Advisory Committee.

(*4*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as may be prescribed :

Provided that the tenure of appointment of any member may be terminated by the State Government at any time without assigning any reason.

(*5*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as may be prescribed.

Duties of Advisory Committee.

14. It shall be the duty of the Advisory Committee to advise the State Government—

(*1*) in the selection of areas to be declared as National Parks;

(*2*) in formulating the policy for administration of National Parks;

(*3*) in the matter of framing regulations under section 20; and

(*4*) on any matter connected with the National Parks which may be referred to it by the State Government for advice.

Procedure of Advisory Committee.

15. (*1*) The Advisory Committee shall meet at least once in a year at Bombay or such other place as the State Government may direct.

(*2*) The procedure (including the quorum) of the Advisory Committee shall be such as the Committee may by by-laws made in this behalf determine.

Appointment of Park Officers.

16. The State Government may for the purposes of this Act appoint—

(*a*) the Director;

(*b*) the Park Wardens; and

(*c*) such other officers and servants as may be necessary.

Duties of Park Officers.

17. (*1*) The Director shall be responsible for the proper preservation and management of the National Parks in the State and may—

(*a*) construct such works therein as may be necessary;

(*b*) exercise all such powers as may be necessary for carrying out the objects of this Act.

(*2*) In the performance of his duties and the exercise of his powers under this Act, the Director shall be subject to such general or special directions, as the State Government may from time to time give.

(*3*) The other Park Officers shall be subordinate to the Director and shall perform such duties as the Director may from time to time determine, subject to the provisions of this Act and the regulations made in this behalf.

Purposes for which National Park may be entered.

18. No person shall enter or reside in a National Park, except for the purposes of health, study or recreation or matters incidental thereto or transaction of any lawful business within the Park and otherwise than in accordance with the regulations made in this behalf.

Rules.

19. The State Government may by notification in the *Official Gazette* make rules for prescribing the ordinary tenure of office of members of the Advisory Committee and the allowances to such members under section 13.

Regulations.

20. (*1*) The State Government may make regulations for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such regulations may be made for all or any of the following matters, namely :—

(*a*) the conditions subject to which any person may enter or reside in a National Park and the period during which the Park or any portion thereof shall be open to the public ;

(*b*) the regulation of traffic and carriage of passengers in a Park ;

(*c*) the fees, if any, to be paid for entry into or for residing in and for any other purpose connected with the use of the Park or any portion thereof ;

(*d*) the powers and duties of the Park Officers in regard to the exclusion of members of the public from the Park or any portion thereof ;

(*e*) the preservation, control and management of the Park ;

(*f*) the protection of the indigenous flora and fauna ;

(*g*) the protection from defacement by writing or otherwise of any tree, rock, fence, seat or other object in the Park ;

(*h*) the protection of animals, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes ;

(*i*) the preservation of public health and the abatement and prevention of nuisances ;

(*j*) the prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in the Park and removal of such advertisement, board, hoarding or structure ;

(*k*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make regulations under this section shall be subject to the condition of previous publication.

(*4*) The regulations made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

BOMBAY ACT No. LVII OF 1950.[1]

[THE PROVINCIAL SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1950.]

[*27th December 1950.*]

An Act to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay.

IX of 1887. WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

IX of 1887. Amendment of section 15 of Act IX of 1887.

2. In section 15 of the Provincial Small Cause Courts Act, 1887, hereinafter referred to as the said Act, in sub-section (*3*), for the words "one thousand rupees" the words "two thousand rupees" shall be substituted.

Amendment of section 28 of Act IX of 1887.

3. In section 28 of the said Act, in sub-section (*2*), for the words "five thousand rupees" the words "ten thousand rupees" shall be substituted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Ex. V, p. 380.

Penalty.

21. Whoever contravenes any provision of this Act or of any regulation made under section 20 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Offence under Act cognizable.

22. The offence punishable under section 21 shall be cognizable and every Park Officer authorised in this behalf by the Director shall have within the limits of the National Park all the powers of a police officer of the rank of sub-inspector.

Park Officers to be public servants.

23. All Park Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Saving.

25. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.

BOMBAY ACT No. LVI OF 1950.[1]

[THE BOMBAY CHARGED EXPENDITURE ACT, 1950.]

[*23rd December 1950.*]

An Act to amend certain enactments and to provide that certain expenditure shall be charged on the Consolidated Fund of the State:

WHEREAS it is expedient to amend certain enactments and to provide that certain expenditure incurred by the State Government shall be charged on the Consolidated Fund of the State; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Charged Expenditure Act, 1950.

(*2*) It shall be deemed to have come into force on the 1st day of April 1950.

2-4. [*Amendments made by sections 2 to 4 have been incorporated in the Bombay Motor Vehicles Tax Act, 1935* (*Bom. XXXIV of 1935*), *the Bombay Famine Relief Fund Act, 1936* (*Bom. XIX of 1936*) *and the Bombay Sugarcane Cess Act, 1948* (*Bom. LXXXII of 1948.*)]

Expenditure incurred on account of guarantee and payments to the Bagalkot Cement Company to be charged on the Consolidated Fund of the State.

5. (*1*) (*a*) Subject to and in accordance with the terms of the agreement dated the 23rd March 1949 made between the Governor of Bombay (hereinafter called the State Government) and the Bagalkot Cement Company, Limited (hereinafter called the Company) and the other parties specified in the said agreement and sanctioned by the State Government, by the Government Resolution (Education and Industries Department) No. 7989, dated the 26th March 1949,

(*b*) and subject also to such modifications as may from time to time lawfully be made in the terms of the said agreement, not being inconsistent with the following provisions of this sub-section,

the State Government shall for a period of five years from the date of the first allotment of the shares of the Company, guarantee to all the ordinary share-holders of the Company a dividend at the rate of three per cent. per annum on the ordinary shares held by them and shall pay to the Company on behalf of and as a trustee for such ordinary share-holders every year such amount as may be necessary to enable the Company to distribute to its ordinary share-holders a yearly dividend at the rate of three per cent. per annum on the total subscribed ordinary share-capital of the Company not exceeding the face value of rupees one crore :

Provided that in no event shall the amount payable by the State Government to the Company under the said guarantee exceed the aggregate sum of rupees fifteen lakhs for the said entire period of five years.

(*2*) Any expenditure incurred by the State Government under sub-section (*1*) shall be charged on the Consolidated Fund of the State.

Repeal of Bom. XIII of 1939.

6. The Bombay Charged Expenditure Act, 1939, is hereby repealed.

Bom. XIII of 1939.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 409-410.